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Addressee" service Name (Print)

Customer No.:

PATENT TRADEMARK OFFICE

Docket No: 3380/11127-US4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lawrence PAPSIDERO; Lyn DYSTER; Jana FRUSTACI

Serial No.:

09/834,794

Art Unit:

1642

Confirmation No.: 1046

Filed: April 13, 2001

Examiner:

TBA

For:

DETECTION AND TREATMENT OF BREAST DISEASE

SUBMISSION OF SUBSTITUTE SEQUENCE LISTING AND STATEMENT PURSUANT TO 37 C.F.R. §1.821

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

June 18, 2001

Sir:

This submission responds to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated June 7, 2001 (copy enclosed). The time set for this response is August 7, 2001.

IN THE SPECIFICATION

Please replace the prior paper copy of the Sequence Listing in the application with the enclosed paper copy of the Sequence Listing.

REMARKS

It was noted in the enclosed Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures that the prior submission of the Sequence Listing, submitted on April 13, 2001, failed to comply with the requirements set forth in 37 C.F.R. §1.821 through §1.825. Specifically, it was contended that the use of the term "Artificial" to define the organism for field <213> was incomplete, per 37 C.F.R. §1.823(b) of the New Sequence Rules. Additionally, it was stated that a line length was greater than 72 characters.

In response to this Notice and pursuant to the requirements of 37 C.F.R. §1.821 through §1.825 for Sequence Listings, a substitute computer readable form (diskette) and a substitute paper copy containing the Sequence Listing are submitted concurrently herewith.

STATEMENT PURSUANT TO 37 C.F.R. § 1.821

Pursuant to 37 C.F.R. §1.821, applicants herein state that the contents of the attached paper entitled "SEQUENCE LISTING" and of the accompanying identically labeled diskette, specifically the ASCII-encoded file therein labeled "SEQUENC3.txt", are

identical and that the sequence submission contains no new matter.

Consideration of this response forwarding the enclosed diskette and paper copy of the sequence listing are respectfully requested.

Respectfully submitted,

Neepa Y. Choksi, Ph.D.

Reg. No. 47,488 Agent for Applicants

DARBY & DARBY, P.C. 805 Third Avenue New York, N.Y. 10022 Phone (212) 527-7700

SEQUENCE LISTING Papsidero <110> Lawrence Lyn, Dyster Jana, Frustaci Detection and Treatment of Breast Cancer <120> 3380/1I127-US4 <130> <140> 09/834,794 2001-04-13 <141> <150> 09/146,580 <151> 1998-09-03 <150> 60/071,899 1998-01-20 <151> <150> <151> 60/092,155 1998-07-09 ___<160> 35 PatentIn version 3.0 <170> ² 210 × <211> 127 <212> PRT __<213> Homo sapiens __<220> <221> UNSURE **=**<222> (70)..(70)Xaa at position 70 is either Arg or Gly <223> <220> <221> UNSURE <222> (91)..(91) Xaa at position 91 is either Lys or Asn ⁻<223> <400> Met Gln Gln Arg Gly Leu Ala Ile Val Ala Leu Ala Val Cys Ala Ala

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25

20

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         35
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Leu His Val Lys Arg Xaa Arg Ile Cys Val Ser Pro His Asn His Thr
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Val Lys Gln Trp Met Lys Val Gln Ala Ala Xaa Lys Asn Gly Lys Gly
Asn Val Cys His Arg Lys Lys His His Gly Lys Arg Asn Ser Asn Arg
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                                                                       120
 cattgcctcc agctgttgca cggaggtttc acatcatatt tccagaaggc tcctggaaag
                                                                       180
 agtgaatatg tgtcgcatcc agagagctga tggggattgt gacttggctg ctgtcatcct
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getgetgtea teetteatgt caagegenga agaatetgtg teageeegea caaceataet
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gttaagcagt ggatgaaagt gcaagctgcc aanaaaaatg gtaaaggaaa tgtttgccac
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 Phe Ala Lys Leu His His Asn Met Gln Thr Phe Gln Ala Gly Pro His
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                                 105
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Leu Gly Tyr Thr Asp Arg Ile Leu His Pro Lys Phe Ile Val Gly Phe
 Thr Arg Gln Leu Ala Asn Glu Gly Cys Asp Ile Asn Ala Ile Ile Phe
 His Thr Lys Lys Leu Ser Val Cys Ala Asn Pro Lys Gln Thr Trp
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Ser Leu Gln His Ile His Ala Ala Arg Gly Thr Asn Val Gly Arg Glu 20 25 30

Cys Cys Leu Glu Tyr Phe Lys Gly Ala Ile Pro Leu Arg Lys Leu Lys 35 40 45

Thr Trp Tyr Gln Thr Ser Glu Asp Cys Ser Arg Asp Ala Ile Val Phe 50 55 60

Val Thr Val Gln Gly Arg Ala Ile Cys Ser Asp Pro Asn Asn Gln Arg 65 70 75 80

Val Lys Asn Ala Val Lys Tyr Leu Gln Ser Leu Glu Arg Ser 85 90

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212> PRT

213> Homo sapiens

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Cys Cys Phe Ser Phe Ala Glu Glu Glu Ile Pro Leu Arg Ala Ile Leu 35 40 45

Cys Tyr Arg Asn Thr Ser Ser Ile Cys Ser Asn Glu Gly Leu Ile Phe 50 55 60

Lys Leu Lys Arg Gly Lys Glu Ala Cys Ala Leu Asp Thr Val Gly Trp 65 70 75 80

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Thr Asn Ile Gln Cys Pro Lys Glu Ala Val Ile Phe Lys Thr Lys Arg 35 40 45

Gly Lys Glu Val Cys Ala Asp Pro Lys Glu Arg Trp Val Arg Asp Ser 50 55

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Homo sapiens

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Thr Cys Cys Phe Thr Phe Ser Ser Lys Lys Ile Ser Leu Gln Arg Leu 35 40 45

Lys Ser Tyr Val Ile Thr Thr Ser Arg Cys Pro Gln Lys Ala Val Ile
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Lys Thr

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Pro Lys Leu

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             20
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Ala Ser Tyr Arg Arg Ile Thr Ser Ser Lys Cys Pro Lys Glu Ala Val
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                             40
Glu Tyr Phe Tyr Thr Ser Gly Lys Cys Ser Asn Pro Ala Val Val Phe
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 Ser Glu Cys Cys Phe Thr Tyr Thr Thr Tyr Lys Ile Pro Arg Gln Arg
                              40
Ile Met Asp Tyr Tyr Glu Thr Asn Ser Gln Cys Ser Lys Pro Gly Ile
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Lys Trp Val Gln Asp Tyr Ile Lys Asp Met Lys Glu Asn
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 Ala Cys Cys Phe Ser Tyr Thr Ala Arg Lys Leu Pro Arg Asn Phe Val
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 Val Asp Tyr Tyr Glu Thr Ser Ser Leu Cys Ser Gln Pro Ala Val Val
                                               60
                          55
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 Phe Gln Thr Lys Arg Ser Lys Gln Val Cys Ala Asp Pro Ser Glu Ser
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70

65

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                                  25
             20
 Ala Cys Cys Phe Ser Tyr Thr Ser Arg Gln Ile Pro Gln Asn Phe Ile
                                                   45
                              40
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Ala Asp Tyr Phe Glu Thr Ser Ser Gln Cys Ser Lys Pro Ser Val Ile
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